

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARY LA BARBERA, THOMAS GESUALDI

REPLY TO CROSS-CLAIMS

Index No.:07-CV-5763 (JSR)

LAWRENCE KUDLA, LOUIS BISIGNANO,
ANTHONY PIROZZI, FRANK FINKEL,
JOSEPH FERRARA, SR.,LYNN MOUREY
MARC HERBST, and THOMAS PIALI
As Trustees and Fiduciaries of the Local 282
Pension Trust Fund,

Plaintiffs,

- against -

JUDA CONSTRUCTION, LTD; FULLERTON
LAND DEVELOPMENT,LTD, a/k/a
FULLERTON AVENUE LAND DEVELOPMENT,
LTD; CTJ CONSTRUCTION, LTD; CHATHAM
CONSTRUCTION, LTD; FINESSE
CONSTRUCTION LLC; INNOVATIVE
DISPOSAL SYSTEMS LLC; PURE EARTH,
INC; PURE EARTH TRANSPORTATION AND
DISPOSAL SYSTEMS,INC. a/k/a AMERICAN
TRANSPORTATION AND DISPOSAL
SYSTEMS,LTD; PURE EARTH MATERIALS,
INC. a/k/a SOUTH JERSEY DEVELOPMENT,
INC.;THOMAS ATTONITO; NICHOLAS
PANICCIA; and CHRISTOPHER UZZI,

Defendants.

X

SIRS:

The defendants, FULLERTON LAND DEVELOPMENT, LTD., a/k/A
FULLERTON AVENUE LAND DEVELOPMENT, LTD., (hereinafter referred to as

“FULLERTON”), CHATHAM CONSTRUCTION, LTD. (hereinafter referred to as “CHATHAM”), THOMAS ATTONITO (hereinafter referred to as “ATTONITO”), NICHOLAS PANICCIA, (hereinafter referred to as “PANICCIA”) and CHRISTOPHER UZZI (hereinafter referred to as “UZZI”), by their attorneys, TRIVELLA, FORTE & SMITH, LLP., as and for its Reply to the Cross-Claim of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC. dated July 30, 2007, alleges as follows upon information and belief:

1. Deny the truth of the allegations set forth in paragraph “359” of the Answer of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC.
2. Deny the allegations set forth in paragraph “360” of the Answer of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC.
3. Deny the allegations set forth in paragraph “361” of the Answer of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH

TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC.

4. Deny the allegations set forth in paragraph "362" of the Cross-Claim of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC.

WHEREFORE, the defendants, FULLERTON LAND DEVELOPMENT, LTD., a/k/a FULLERTON AVENUE LAND DEVELOPMENT, LTD., CHATHAM CONSTRUCTION, LTD., THOMAS ATTONITO, NICHOLAS PANICCIA, and CHRISTOPHER UZZI, demands judgment be granted as follows:

- a. Dismiss the cross-claims of JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION and DISPOSAL SYSTEMS LLC, a/k/a AMERICAN TRANSPORTATION and DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC., a/k/a SOUTH JERSEY DEVELOPMENT, INC. against FULLERTON LAND DEVELOPMENT, LTD., a/k/a FULLERTON AVENUE LAND DEVELOPMENT, LTD., CHATHAM CONSTRUCTION, LTD., THOMAS ATTONITO, NICHOLAS PANICCIA, and CHRISTOPHER UZZI.


b. for attorneys' fees, costs and disbursements to the extent provided by contract, statute or otherwise; and

c. together with such other, further and different relief as the Court may deem just and proper.

Dated: White Plains, New York
August 17, 2007

Yours, Etc.,

TRIVELLA, FORTE & SMITH, LLP
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By: 
Christopher Smith (CS 9014)

To: BAHN, HERZFELD & MULTER, LLP
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